

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

FD 9000

.9

USA 14

RESERVE

FSQS FACTS

245

PROPOSED NET WEIGHT REGULATIONS FOR MEAT AND POULTRY PRODUCTS

New regulations that would help assure you of more accurate net weights on the packaged meat and poultry products you buy in retail stores have been proposed by the U.S. Department of Agriculture (USDA). Notice of the proposal was published in the Federal Register, Dec. 2, 1977. A copy may be obtained from: FSQS Information Division, USDA, Room 1160, South Building, Washington, D.C. 20250.

You are invited to comment on these proposed regulations until March 2, 1978. The information that follows is intended to help you do so.

Q. WHY IS THE U.S. DEPARTMENT OF AGRICULTURE INVOLVED IN LABELING MEAT AND POULTRY PRODUCTS?

A. Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, USDA's Food Safety and Quality Service (FSQS) is responsible for the wholesomeness, safety, and truthful labeling of meat and poultry products sold in interstate or foreign commerce. This responsibility begins with the live animal or bird at the federally inspected plant, and continues through every step of production, including manufacture, packaging, and labeling of the final product. The statement of net weight on a package or container is considered to be part of truthful labeling.

Q. WHAT IF THE PRODUCT IS PRODUCED AND SOLD WITHIN ONLY ONE STATE (INTRASTATE COMMERCE)?

A. Such products must receive comparable inspection by either the federal or a state inspection system and are covered by the same or comparable packaging and labeling rules.

Q. WHAT DO THE PRESENT REGULATIONS REQUIRE?

A. Present regulations (1) require meat and poultry products to be accurately marked as to net weight at the time they leave the processing plant, (2) permit juices and liquids that drain from some meat and poultry products after packaging to be included in the net weight of the package, and (3) allow a "reasonable" variation (caused by normal gain or loss in moisture) between the net weight marked on the package label and the actual weight of the product at the time of purchase in the retail store.

Q. WHY ARE CHANGES NEEDED IN THE NET WEIGHT LABELING REGULATIONS FOR MEAT AND POULTRY PRODUCTS?

A. To overcome shortcomings in the present system. The proposal corrects the situation where consumers may not be getting the weights they think they're getting and upon which the price of the product is based. Further, the proposal gives state and local officials--who enforce federal and state meat and poultry inspection regulations at the retail level--precise guidelines on which to base their net weight compliance programs.

Q. HOW DOES THE PROPOSAL CHANGE THE PRESENT REGULATIONS?

A. 1. The proposal would set procedures to identify products (e.g., corned beef) that lose moisture during distribution through the marketing chain--from time of packaging at the plant to time of sale at the retail store. This change would mean processors of some products (which normally shrink after a period of time) would have to overpack containers to be certain such products conform to the proposed regulations.

2. The proposal would define specific limits by which individual containers could vary, as a result of normal manufacturing and marketing procedures, from the net weight stated on the label.

3. Juices and liquids that drain from some meat and poultry products could no longer be included in the net weight of the packages.

4. The proposal would require mandatory USDA-approved quality control programs in meat and poultry plants, under which all lots of consumer-sized containers would have to be sampled for net weight compliance. The program would be closely monitored by FSQS meat and poultry inspectors as part of their daily inspection duties.

Q. WHAT PRODUCTS ARE AFFECTED BY THE PROPOSED REGULATIONS?

A. All meat and poultry products that are processed and packaged at processing plants. These include hot dogs, sausages, hams, bacon, corned beef, chickens, turkeys, canned soups with meat or poultry ingredients, meat and poultry frozen dinners, canned stew, spaghetti and meatballs, and other canned, vacuum-packed, and frozen products.

Q. WHAT ABOUT PRODUCTS FOUND AT THE FRESH MEAT COUNTER?

A. This proposal would directly affect only fresh meat and poultry (whole or cut-up) which are packaged and labeled at the processing plant. It would not directly affect fresh meat and poultry which is repackaged at the retail store. However, according to the courts, state and local authorities (who enforce local weights and measures laws in retail stores) have "concurrent jurisdiction" with USDA in enforcing net weight on meat and poultry that were packaged in federally inspected plants. The proposal tightens and clarifies the federal regulations to provide guidelines for the states in carrying out this joint responsibility.

Q. DOES THE PROPOSAL APPLY TO ALL CONSUMER-SIZE PACKAGES AND CONTAINERS?

A. With few exceptions, yes. Small packages of meat and poultry products (weighing less than one-half ounce), which are shipped to retailers in large shipping containers, would be exempt--provided the shipping containers complied with the proposed regulations. Dried products, such as beef jerky and snack sticks, are examples of small-packaged items.

Q. WHAT ABOUT THE LIQUID YOU FIND IN PACKAGES OF SOME PRODUCTS, PARTICULARLY FRESH CHICKEN AND CORNED BEEF BRISKET?

A. Under the proposal, the liquid in these packages could no longer be considered part of the net weight of the product.

Q. WOULD THE CHANGES IN THE NET WEIGHT REGULATIONS INCREASE THE PRICE OF MEAT AND POULTRY PRODUCTS?

A. In some instances, yes. You can expect to pay more because processors would have to overpack containers in those cases where there would be a loss of moisture in the product after packaging.

Q. HOW MUCH "OVERPACKING" COULD YOU EXPECT TO FIND?

A. This would depend on several factors, including the product, container size, and the transportation and storage conditions.

Q. HOW MUCH NET WEIGHT VARIATION BELOW THE MARKED LABEL WEIGHT WOULD BE PERMITTED?

A. No minus variation would be permitted between the sample average net weight of a "production lot" and the labeled net weight. However, an individual package in the sampled units may be short-weight (within proposed limits) if other packages in the sample offset it by being overweight.

For example, a one-pound package of hot dogs may weigh as little as 15.27 ounces. In this event, other packages in the same sample must be enough overweight (over 16 ounces) so that the sample average net weight of that lot comes to 16 ounces.

Q. WHY DOES THE PROPOSAL ALLOW FOR VARIATIONS BETWEEN PACKAGES; WHY CAN'T ALL PACKAGES AND CONTAINERS BE REQUIRED TO STATE EXACTLY HOW MUCH IT CONTAINS INSIDE?

A. Present manufacturing practices make it economically and practically unfeasible to weigh and adjust every package. As a practical alternative, the proposal would allow net weight to be determined by weighing and averaging test samples from a "production lot"--which can be an entire day's production or just a portion of one day's production in which all containers bear the same production code.

Q. HOW WILL THESE REGULATIONS BE ENFORCED?

A. At the plant level, all lots of consumer-sized packages would be sampled by plant personnel, under the quality-control system approved and monitored by USDA, to assure that the average net weight of the samples from each lot conform to the net weight printed on the label. If the samples are found to be short-weight, the entire lot from which samples were taken would have to be repacked and resampled for compliance. USDA inspectors can stop any lot of product from leaving the processing plant if it does not comply with the regulations.

At the retail level, state or local officials can stop sale of the product, or take other action, if they find the product does not have the proper weight.

Q. WHAT SHOULD A CONSUMER DO IF A PRODUCT IS FOUND TO BE SHORT-WEIGHT?

A. Consumers should contact state or local weights and measures officials or officials of USDA's Food Safety and Quality Service.

Q. WILL THESE REGULATIONS AFFECT OTHER FOODS? WHO CONTROLS THEM?

A. The proposed regulations only cover meat and poultry products. Other foods are under the jurisdiction of the Food and Drug Administration in the U.S. Department of Health, Education, and Welfare. FDA recently held hearings on the question of how net weights should be labeled on other foods.

Q. WHERE DO I SEND MY COMMENTS?

A. Written comments should be sent, on or before March 2, 1978, to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All comments will be available for public inspection in the office of the Hearing Clerk during regular business hours.

Q. HOW LONG WILL IT TAKE AFTER THE END OF THE COMMENT PERIOD TO DECIDE ON THE REGULATIONS?

A. About 90 days. The Department needs time to consider all comments in making its decision on the proposal, but by some time next summer, final action should be taken.